

FACSIMILE TRANSMITTAL FORM	Application Number	09/972124
	Filing Date	October 5, 2001
	First Named Inventor	Birkholz, Russell D.
	Art Unit	1771
	Examiner Name	Zirker, Daniel R.
Fax: 703-872-9308	Attorney Docket Number	56764US002
Total Number of Pages in This Submission: 12		
Date: March , 2005	Attorney for Applicant: Colene H. Blank	

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<input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/Declaration(s)	<input type="checkbox"/> Petition to Convert a Provisional Application	<input type="checkbox"/> Appeal Communication to Technology Center (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosures: Affidavit of Janette Dishno, File History Report for 09/972124 and computer search for all Notice of Allowances
<input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR § 1.52 or 1.53	<input type="checkbox"/> Request for Refund	
	<input type="checkbox"/> Request for Continued Examination (RCE) Transmittal	
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Patent
Case No.: 56764US002

Customer Number

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: BIRKHOLZ, RUSSELL D.
Application No.: 09/972124 Group Art Unit: 1771
Filed: October 5, 2001 Examiner: Zirker, Daniel R.
Title: WATER CONTACT INDICATOR

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE TO
RECEIVE OFFICE ACTION UNDER 37 CFR § 1.181 (NO FEE REQUIRED)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR § 1.8(a)]

I hereby certify that this correspondence is being:

- ☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
- ☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at 703-872-9306

March 14, 2005 *Shannon M. Bruce*
Date Signed by: Shannon M. Bruce

Dear Sir:

Reconsideration of the holding of abandonment set forth in the Notice of Abandonment mailed on February 3, 2005 is requested. This request is within two months of the holding of abandonment and is timely.

Applicants hereby petition for the withdrawal of the holding of abandonment in the subject application. The Notice of Abandonment cited that Applicants failed to respond to a Notice of Allowance and Fee(s) Due that was mailed on September 28, 2005. This Notice of Allowance and Fee(s) Due was never received by the Applicants. Accordingly, the due date for paying the issue fee was never placed on the Applicants' attorney's docket and no response to the notice could have been filed by Applicants.

On January 30, 2004, Applicants received an Action dated January 27, 2004 that included a Notice of Allowability. This Action did not include the Part B - Fees Transmittal. Applicant contacted the Patent Office on February 5, 2004 to request a copy of the fee transmittal form. On February 19, 2004, Applicants' attorney's assistant spoke with Sandra Sewell of the U.S. Patent and Trademark Office. Ms. Sewell indicated that a fee transmittal form would be sent out. The Part B - Fees Transmittal was not mailed out until September 28, 2004 and then never received

Application No.: 09/972124

Case No.: 56764US002

by Applicant. These steps by Applicant show that Applicants' attorney was actively waiting for the Notice of Allowance, and that the PTO was notified that Applicants had not received the same.

The enclosed Affidavit of Janette Dishno, a docket administrator in the office of the addressee, supports this petition. The Affidavit describes the usual docket procedure utilized by the addressee. The Affidavit describes and provides copies of the 3M Innovative Properties Company File History and a separate computer search for all Notices of Allowances received by 3M Innovative Properties Company during the relevant time period. The Affidavit thus shows that procedures are in place for appropriately handling papers, recording their receipt, and docketing for action, and that these procedures were followed for communications from the United States Patent and Trademark Office (PTO) during the relevant timeframe.

In view of the enclosed Affidavit and this petition, Applicants respectfully request that the holding of abandonment be withdrawn and that Applicants be issued another Notice of Allowance and Fee(s) Due.

This Petition is believed to be timely submitted. It is believed that no fee is due; however, in the event a fee is required, please charge the fee to Deposit Account No. 13-3723.

Applicants respectfully request acknowledgment of the active status of this application.

Respectfully submitted,

March 14, 2005
Date

By:

Colene H. Blank
Colene H. Blank, Reg. No.: 41,056
Telephone No.: (651) 737-2356

Office of Intellectual Property Counsel
3M Innovative Properties Company
Facsimile No.: 651-736-3833